

C678 U.S. PTO

**PATENT**

**ATTORNEY DOCKET NO. WAPH.002.04US**

JC879 U.S.551 PRO  
10/02/95 12/20/01

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Indu Parikh, *et al.*

) Examiner: Not Yet Assigned

Serial No.: Not Yet Assigned

) Art Unit: Not Yet Assigned

Filed: December 20, 2001

) **UTILITY PATENT APPLICATION**  
)) **TRANSMITTAL**

## **For: TREATMENT FOR DIABETES**

)

## **BOX PATENT APPLICATION**

Assistant Commissioner of Patents  
PO Box 2327  
Arlington, VA 22202

Sir:

This is a request for filing a patent application under 37 CFR § 1.53(b) in the name of inventors: Indu Parikh, Anne Lane, Ronald V. Nardi, and Stephen J. Brand.

## **For: TREATMENT FOR DIABETES**

Attorney Docket No.: WAPH.002.04US

This application is a [X] Continuation [ ] Divisional [ ] Continuation-in-part of Application Serial No. 09/241,100, filed January 29, 1999.

"Express Mail" Label No.: EL196062666 US

Date of Deposit: Dec 20, 2001

I hereby certify under 37 C.F.R. 1.10 that this correspondence is being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" with sufficient postage on the date indicated above and is addressed to BOX PATENT APPLICATION, Assistant Commissioner for Patents, PO Box 2327 Arlington, VA 22202

(Signature)  
Robert Paffrath

Application Elements:

34 Pages of Specification, Claims and Abstract

8 Sheets of Formal Drawings

[X] Declaration

[ ] Newly executed (original or copy)

[X] Copy from prior application (37 CFR 1.63(d) for a continuation or divisional).

The entire disclosure of the prior application from which a copy of the declaration is herein supplied is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

[ ] Deletion of inventors Signed statement attached deleting inventor(s) named in the prior application, *see* CFR 1.63(d)(2) and 1.33(b).

Accompanying Application Parts:

- [ ] Assignment and Assignment Recordation Cover Sheet (recording fee of \$40.00 enclosed)
- [ ] Power of Attorney.
- [ ] 37 CFR 3.73(b) Statement by Assignee
- [ ] Information Disclosure Statement with Form 1449
- [ ] Copies of IDS Citations
- [X] Preliminary Amendment
- [X] Return Receipt Postcard
- [X] Small Entity Statement(s) [X] Statement filed in prior application.  
Status still proper and desired.
- [X] Other:
  - [X] Associate Power of Attorney.
  - [X] Petition to Accept Color Copies of Photographs under 37 CFR§ 1.84(a)(2), (b)(2)

Claim For Foreign Priority

[ ] Priority of \_\_\_\_\_ Application No. \_\_\_\_\_ filed on \_\_\_\_\_  
is claimed under 35 U.S.C. § 119

[ ] The certified copy has been filed in prior application U.S. Application No. \_\_\_\_\_  
[ ] the certified copy will follow.

Extension of Time for Prior Pending Application

[X] A Petition for Extension of Time and a Notice of Appeal has been filed in the prior pending application. Copies of the Petition for Extension of Time and the Notice of Appeal are attached hereto.

Amendments

- [X] See Preliminary Amendment  
[ ] Amend the specification by inserting before the first line the sentence: "This is a  
[X] Continuation [ ] Continuation-in-part [ ] Nonprovisional application of  
c pending prior  
[ ] Application Serial No. \_\_\_\_\_ filed on \_\_\_\_\_.  
[ ] International Application \_\_\_\_\_ filed on \_\_\_\_\_, which  
designated the United States, disclosure of which is incorporated herein by reference."  
[X] Cancel in this application original Claims 1-18 of the prior application  
before calculating the filing fee

Fee Calculation (37 CFR § 1.16):

	(Col. 1)	(Col. 2)	<u>SMALL</u> <u>ENTITY</u>	OTHER THAN A <u>SMALL ENTITY</u>		
<u>FOR:</u>	<u>NO. FILED</u>	<u>NO. EXTRA</u>	<u>RATE</u>	<u>FEES</u>	<u>RATE</u>	<u>FEES</u>
Basic Fee			\$370	\$0	\$740	<b>\$370.00</b>
Total Claims	14	0	\$ 9	\$0	\$ 18	<b>\$0.00</b>
Indep. Claims	7	4	\$ 42	\$0	\$ 168	<b>\$168.00</b>
[ ] Multiple Dep. Claims			\$140	\$0	\$280	
Total Filing Fee:						<b>\$538.00</b>

Other fees (Petition to Accept Color Copies of Photographs) **\$130.00**

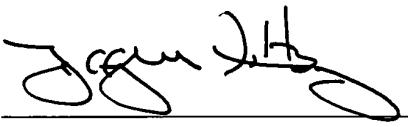
**TOTAL FEES: \$668.00**

- [X] A check including the amount of the above-indicated TOTAL FEES is attached.  
[ ] Please charge Deposit Account No.18-0020 in the amount of \$ \_\_\_\_\_.  
[ ] No fee is required.

- Conditional Petition for Extension of Time: An extension of time is requested in the present and/or the above-referenced parent application to provide for timely filing if an extension of time is still required after all papers filed with this transmittal have been considered.
- The Commissioner is hereby authorized to charge any underpayment of the following fees associated with this communication, including any necessary fees for extension of time, or credit any overpayment to Deposit Account No. 18-0020.
- Any filing fees under 37 CFR 1.16 including fees for the presentation of extra claims.
- Any parent application processing fees under 37 CFR 1.17.
- A **duplicate** copy of this sheet is attached for accounting purposes.

Respectfully submitted,

By:



Jeffrey M. Libby, Ph.D.  
Reg. No. 48,251

Dated: November 8, 2001

Rae-Venter Law Group, P.C.  
P.O. Box 60039  
Palo Alto, California 94306  
Telephone: (650) 328-4400  
Facsimile: (650) 328-4477

BRV:JML/jml

Encls.

WAPH.002.04US.AppTrans.110801.doc

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PATENT

ATTORNEY DOCKET NO. WAPH.002.02US

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Jc879 U.S. PTO  
10/029551  
12/20/01



In re application of: **Indu Parikh, et al.**) Examiner: A. Beckerleg  
Serial No.: **09/241,100**)  
Filed: **January 29, 1999**) Art Unit: 1632  
For: **TREATMENT FOR DIABETES**)  
)  
)

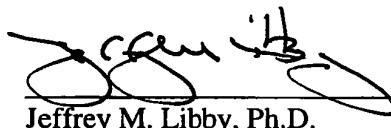
**PETITION FOR EXTENSION  
OF TIME**

**BOX AF**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Pursuant to 37 C.F.R. § 1.136, Applicant hereby petitions that the period for submission of the Notice of Appeal be extended 3 months to November 9, 2001. For the required fee, *see* Transmittal.

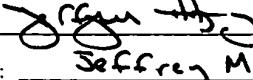
Date: November 8, 2001  
Jeffrey M. Libby, Ph.D.  
Reg. No. 48,251

Rae-Venter Law Group, P.C.  
P. O. Box 60039  
Palo Alto, CA 94306  
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BRV/JML/jml

**CERTIFICATE OF FIRST CLASS MAILING**

I hereby certify that this paper or fee is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231 on November 9, 2001.

Signature:   
Printed Name: Jeffrey M. Libby

**COPY**

PATENT

ATTORNEY DOCKET NO. WAPH.002.02US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of Indu Parikh, *et al.*

) Examiner: A. Beckerleg

Serial No.: 09/241,100

) Art Unit: 1632

Filed: January 29, 1999

) **NOTICE OF APPEAL**

Title: **TREATMENT FOR DIABETES**

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Jc879 U.S. PRO  
10/029551  
12/20/01

**BOX AF**

Assistant Commissioner of Patents and Trademarks

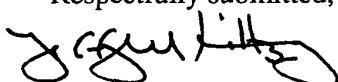
Washington, D.C. 20231

Sir:

Applicant respectfully appeals to the Board of Patent Appeals and Interferences under 37 C.F.R. § 1.191, from a Final Rejection dated May 9, 2001, of the Examiner finally rejecting Claims 1-7, 10-12, 14, 16-17 and 19-21. The appropriate fee is attached hereto (see Transmittal).

Respectfully submitted,

Dated: November 9, 2001



Jeffrey M. Libby, Ph.D.  
Reg. No. 48,251

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Encls.

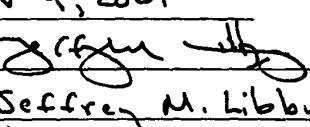
**CERTIFICATE OF FIRST CLASS MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner of Patents, Washington, D.C. 20231

on Nov 9, 2001

(date)

(Signature)

  
Jeffrey M. Libby

(Printed Name)